



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

May 19, 2016

David P. Frick, Registered Agent
Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701

Certified Mail Number: 7005 1820 0000 3207 8364

**RE: Expedited Settlement Agreement, Number ES-160518-1
Facility / CDPS Permit Number: COR03N695**

Dear Mr. Frick:

Enclosed for your records you will find Morgan County Rural Electric Association's copy of the recently executed Expedited Settlement Agreement ("ESA"). Please be advised that the first page of the ESA was changed in order to place the correct ESA Number on the final document. The ESA is now fully enforceable and constitutes a final agency action.

As specified in paragraph ten of the enclosed ESA, Morgan County Rural Electric Association must, within fifteen (15) calendar days, submit a certified or cashier's check for the amount specified in paragraph four of the ESA to the Water Quality Control Division in order for this matter to be resolved.

If you have any questions, please do not hesitate to contact Eric Mink at 303.692.2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,

Eric T. Mink, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Michael Boeglin, EPA Region VIII
Melvin Bustos, Northeast Colorado Health Department
Aimee Konowal, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Clean Water Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE
Nathan Moore, Clean Water Compliance Unit, CDPHE
Megan Shirley, Clean Water Compliance Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

EXPEDITED SETTLEMENT AGREEMENT

Number: ES-160518-1

The Colorado Department of Public Health and Environment ("Department"), through the Water Quality Control Division ("Division"), issues this Expedited Settlement Agreement ("ESA"), pursuant to the Division's authority under §§25-8-602, 25-8-605 and 25-8-608, C.R.S. of the Colorado Water Quality Control Act (the "Act") §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Morgan County Rural Electric Association ("Morgan County Rural Electric"). The Division and Morgan County Rural Electric may be referred to collectively as "the Parties."

1. Morgan County Rural Electric is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
2. Morgan County Rural Electric is conducting land disturbing construction activities at the Morgan County Rural Electric Association project, located in or near the Town of Fort Morgan, Morgan County, Colorado (the "Project").
3. Morgan County Rural Electric, as described in the attached inspection report, failed to comply with the provisions of its Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (the "Permit"), Certification Number COR-03N695. Morgan County Rural Electric also failed to submit requested reports and/or documents in response to the inspection and, therefore, failed to comply with Part II.B.2. of the Permit, Certification Number COR03N695.
4. The parties enter into this ESA in order to resolve the matter of civil penalties associated with the violation(s) alleged herein and in the attached inspection report for a penalty of \$7,312.50.
5. By accepting this ESA, Morgan County Rural Electric neither admits nor denies the violations or deficiencies specified herein and in the attached inspection report.
6. Morgan County Rural Electric certifies that all deficiencies identified in the attached inspection report have been corrected and that the Project is currently in full compliance with the terms and provisions of the Permit. Additionally, Morgan County Rural Electric has attached to this ESA: (1) a written description detailing how the deficiencies were corrected; and (2) representative photographs documenting the current conditions and the associated BMPs implemented at the Project.
7. Morgan County Rural Electric agrees to the terms and conditions of this ESA. Morgan County Rural Electric agrees that this ESA constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602, 25-8-605 and 25-8-608, C.R.S., and is an enforceable requirement of the Act. By signing the ESA, Morgan County Rural Electric waives: (1) the right to contest the finding(s)







specified herein and in the attached inspection report; and (2) the opportunity for a public hearing pursuant to §25-8-603, C.R.S.

8. This ESA is subject to the Division's "Public Notification on Administrative Enforcement Actions Policy," which includes a thirty-day public comment period. The Division and Morgan County Rural Electric each reserve the right to withdraw consent to this ESA if comments received during the thirty-day period result in any proposed modification to the ESA.
9. This ESA constitutes a final agency order or action upon the date when the Executive Director or his designee signs the ESA and effectively imposes the civil penalty.
10. Morgan County Rural Electric agrees that within fifteen (15) calendar days of receiving the signed and final ESA from the Division, Morgan County Rural Electric shall submit a certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," for the amount specified in paragraph 4 above, to:


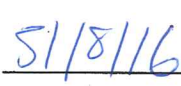
Eric Mink
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

11. Notwithstanding paragraph 5 above, the violations described in this ESA will constitute part of Morgan County Rural Electric's compliance history for purposes where such history is relevant. This includes considering the violations described above in assessing a penalty for any subsequent violations against Morgan County Rural Electric. Morgan County Rural Electric agrees not to challenge the use of the cited violations for any such purpose.
12. This ESA, when final, is binding upon Morgan County Rural Electric and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this ESA.

ACCEPTED BY MORGAN COUNTY RURAL ELECTRIC ASSOCIATION:

	
Signature	Date
	
Name (printed)	Title

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT:

	Date: 
Nicole Rowan, P.E. Clean Water Program Manager WATER QUALITY CONTROL DIVISION	